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Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization

Repertory of Practice of United Nations Organs and *Repertoire of the Practice of the Security Council*

Report of the Secretary-General

I. Introduction

1. The present progress report has been prepared pursuant to paragraph 5 of General Assembly resolution 53/106 of 8 December 1998, in which the Assembly took note of subparagraphs (*a*), (*b*), (*c*), (*d*) and (*f*) of paragraph 32 of the 1998 report of the Secretary-General (A/53/386) and requested him to continue to undertake efforts to identify resources to prepare supplements to the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council* and, in particular, to complete the work required to issue the two remaining volumes of Supplement No. 5 to the *Repertory of Practice of United Nations Organs* and to submit a progress report on the matter to the General Assembly at its fifty-fourth session.

2. In paragraph 32 of his 1998 report, the Secretary-General called on the Assembly, *inter alia*, to:

(a) Take note of the difficulties faced by the Secretariat in bringing, on the basis of existing resources, the *Repertory of Practice of United Nations Organs* and *Repertoire of the Practice of the Security Council* up to date in a sustained manner;

(b) Note that volumes III (Articles 55-72) and IV (Articles 73-91) of Supplement No. 5 (covering the years 1970 to 1978) to the *Repertory* will be completed by the end of 1999, subject to the continued availability of resources to do so;

(c) Note that the *Repertoire* Supplement covering the period 1985-1988 will be published before the end of the biennium 1998-1999 and that work on the eleventh Supplement, covering the period 1989-1992, is scheduled for completion by the end of 2001;

(d) Note that, upon completion of the eleventh Supplement, there will still be a backlog of the *Repertoire* for the period 1993 to date. As outlined with respect to the *Repertory*, it will be necessary to include adequate resources in the programme budgets for future bienniums in order to bring the *Repertoire* up to date;

...

(f) Take note that *Repertory*-related tasks will be included as distinct activities within relevant sections of future programme budgets of the Organization, starting with the biennium 2000-2001.

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II. *Repertory of Practice of United Nations Organs*

A. Steps undertaken by the Secretariat to expedite the preparation of Supplements to the *Repertory of Practice of United Nations Organs*

1. Interdepartmental Committee on Charter Repertory

3. Following the adoption of General Assembly resolution 53/106, the Interdepartmental Committee on Charter Repertory[1] met on four occasions, *inter alia*, to review the status of the preparation of volumes III and IV of Supplement No. 5, as well as of volume VI of Supplement No. 6; to consider resource requirements for the preparation of the *Repertory* during 1999; to establish the work programme for the 2000-2001 biennium; and to discuss updating the Manual for the Preparation of the *Repertory of Practice of United Nations Organs*.

4. The Committee also took note of the establishment of the Roster of *Repertory* Consultants, located in the Codification Division of the Office of Legal Affairs, which is intended to assist participating Secretariat units in identifying suitable candidates to undertake *Repertory*-related work.

(a) Review Committee of the Interdepartmental Committee on Charter Repertory

5. During the period under review, the Review Committee of the Interdepartmental Committee on Charter Repertory, consisting of the Office of Legal Affairs and the Department of Political Affairs was convened to review volume VI of Supplement No. 6. The Review Committee approved the volume for publication. Such approval was subsequently communicated to the Interdepartmental Committee.

(b) Redistribution of *Repertory* studies allocated to Secretariat units

6. In 1998, the allocation of *Repertory* studies to various Secretariat units was modified as a result of the restructuring of the Secretariat (A/53/386, para. 10). In 1999, the Interdepartmental Committee on Charter Repertory amended the allocation of studies further as follows: the responsibility for the preparation of Article 8 (in volume I) for the period up to and including 1996 lies with the Department of Management (Office of Human Resources Management) and for the period covering 1997 onwards, the Department of Economic and Social Affairs will undertake the *Repertory* studies in question.

(c) Updating the Manual for the Preparation of the *Repertory of Practice of United Nations Organs*

7. During 1999, the Interdepartmental Committee on Charter Repertory undertook a preliminary consideration of the feasibility of updating the Manual for the Preparation of the *Repertory of Practice of United Nations Organs*. The current Manual was last updated in October 1980 and contains several directives that are out of date. This was found to be particularly so in the case of the directives relating to the preparation of draft studies and the procedures for the submission of draft studies, which are no longer adequate in the light of the various amendments to the submission and review procedure approved by the Committee in 1997. In this regard, in 1999, the Office of Legal Affairs prepared the Draft Guidelines on the Preparation and Submission of *Repertory* Draft Studies, with a view to revising parts of the Manual so as to clarify the functions of the Secretariat units involved, including the coordinating departments, and to update the existing submission procedures accordingly.

8. The Interdepartmental Committee on Charter Repertory took note of the Draft Guidelines and agreed to review them next year on the basis of the experience of 1999 in connection with the preparation and submission of draft studies for volumes III and IV of Supplement No. 5. It is envisaged that the proposed guidelines would eventually be incorporated into the revised Manual, which could include a new presentation reflecting the more decentralized approach to preparing *Repertory* studies, as well as bring the editorial directives into line with current standards.

2. Training seminars on preparing the *Repertory*, conducted by the Office of Legal Affairs

9. Following requests from several participating Secretariat units, the Office of Legal Affairs, in its capacity as overall coordinator for the preparation of the *Repertory*, conducted a second series of training seminars on the preparation of the *Repertory*. The seminars, held from 9 to 12 February 1999, were open to all participating Secretariat units and focused on research and writing techniques. Further seminars will be held as required.

3. Recourse to interns

10. The utilization of interns in the research and compilation of data for the preparation of draft *Repertory* studies continued to be a key feature of the work on the *Repertory* during 1999. While every attempt is made to select the most suitable candidates, the overall contribution of interns to the preparation of *Repertory* studies continues to be constrained by the necessary training and oversight responsibilities imposed on supervisors. Furthermore, as was noted in the 1998 report (A/53/386, para. 13), the two-month time limit placed on the period of service of interns continues to restrict their ability to make a substantial contribution to the studies in question. The same considerations outlined in that report continue to apply.

4. Redeployment of financial resources for the preparation of the *Repertory*

11. The General Assembly, in its resolution 53/106, took note of the steps proposed by the Secretary-General in his 1998 report and requested him to continue to undertake efforts to identify resources to prepare supplements to the *Repertory*, with the understanding that the costs of preparation of the two remaining volumes of Supplement No. 5 to the *Repertory* would be covered by resources available within the programme budget for 1998-1999. Pursuant to that request, resources have been identified. The status of preparation of the *Repertory* during the biennium 1998-1999 appears in section B below.

B. Status of the *Repertory of Practice of United Nations Organs*

1. Preparation of volumes referred to in paragraph 59 (b) of the 1997 report of the Secretary-General

12. It is recalled that in the 1997 report of the Secretary-General (A/52/317 and Corr.1, para. 59 (b)) it was anticipated that volumes III (Articles 55-72) and IV (Articles 73-91) of Supplement No. 5 to the *Repertory* (covering the period 1970-1978) would be completed by the end of 1999 and that volume VI (Articles 92-105 and 108-111) of Supplement No. 6 (covering the period 1979-1984) was to be completed by mid-1998.

13. With regard to volume III of Supplement No. 5, significant progress was made by the Department of Economic and Social Affairs, which is also the coordinating department, as well as by the Department of General Assembly Affairs and Conference Services. The studies on the articles covered by these departments are in the final stages of completion and some will be submitted shortly to the Review Committee. The Office of the United Nations High Commissioner for Human Rights has also progressed considerably in its work on its respective articles.

14. With regard to volume IV of Supplement No. 5, the studies in question have either been completed by the Department of Political Affairs or are in the final stages of completion, and will be submitted shortly to the Review Committee.

15. In view of the above, all studies of volumes III and IV of Supplement No. 5 could be completed by the end of 1999, as envisaged by the Secretary-General. Taking into account the editing and printing process requirements, these volumes are expected to be published in 2000. Moreover, indexing of Supplement No. 5 will be undertaken by the Department of Public Information in 2000 once volumes III and IV have been published and the necessary resources have been requested under the Department's proposed programme budget for 2000-2001.

16. Volume VI of Supplement No. 6 was published in English in August 1999. Measures are being taken to arrange for the translation of that volume into French and Spanish.

2. Preparation of further volumes of the *Repertory*

17. Since work is almost completed on the three priority volumes mentioned in section A above, volumes I to V of Supplement No. 6 should be prepared next (A/52/317, para. 16). Work on volumes I (Articles 1-8) and II (Articles 9-22) has already begun and will continue in a sustained manner. With regard to volume V (Articles 73-91), most of the substantial work has been completed, subject to several minor revisions and modifications. With regard to volumes III (Articles 23-54, 106, 107) and IV (Articles 55-72), work will begin during 2000-2001. It is not possible at the current stage to make any definite projections since work has not started on the relevant Articles.

18. In view of the above, it is anticipated that volumes I, II and V of Supplement No. 6 will be completed during the next biennium (2000-2001), provided that the level of resources proposed in the 2000-2001 budget is approved. Volumes III and IV could be completed in the 2002-2003 biennium. It has not been possible to establish a stricter timetable for the volumes in Supplement No. 6.

19. It should be further noted that those Secretariat units which have already completed their contribution to Supplement No. 6 may start work on Supplement No. 7,

covering the period from 1 January 1985 to 31 December 1988.

C. Assessment of action required

1. Inclusion of the *Repertory* within the proposed programme budgets for future bienniums

20. As already noted in the report of the Secretary-General for 1998, work on further volumes of Supplement No. 6 to the *Repertory*, and on subsequent Supplements, will continue to the extent allowed by the resources placed at the disposal of the relevant departments (A/53/386, paras. 23 and 25). In an effort to ensure that Secretariat units continue to assume their responsibilities for the preparation of their contributions to the *Repertory*, as part of their programme of work, *Repertory*-related tasks will in future be included, pursuant to General Assembly resolution 53/106, as distinct activities within relevant sections of the Secretary-General's proposed programme budgets for each biennium, with a view to ensuring that future work on the *Repertory* is supported with adequate resources.

21. In this connection, attention is drawn to the proposed programme budget for the biennium 2000-2001,[2] which has been submitted to the General Assembly at its fifty-fourth session for its approval.

III. *Repertoire of the Practice of the Security Council*

A. Status of the *Repertoire of the Practice of the Security Council*

22. During the period under review, the eighth and ninth Supplements to the *Repertoire of the Practice of the Security Council*, covering, respectively, the periods 1975-1980 and 1981-1984, have been published in French. The technical editing and the typesetting of the English version of the tenth Supplement, covering the period 1985-1988, have been completed and the volume is currently being indexed and translated into French. It is scheduled for publication in English by the beginning of 2000 and in French in the second half of 2000. The Security Council Practices and Charter Research Branch is now working on the eleventh Supplement, covering the period 1989-1992.

B. Resources needed to eliminate the backlog in the publication of Supplements to the *Repertoire of the Practice of the Security Council*

23. In view of the General Assembly's request that additional resources be identified to bring the *Repertoire* up to date, the medium-term staffing requirements of the Branch have been carefully reassessed, taking due account of the increase in the volume of activity of the Security Council since 1989.

24. During the 1989-1992 period, the number of meetings held and communications received by the Security Council increased by about 20 per cent compared with those of the previous four years. A provision of general temporary assistance equivalent to 48 work months has been included in the proposed programme budget for 2000-2001 for the eleventh Supplement covering this period. It is anticipated that similar resources may have to be included in the budget for 2002-2003.

25. It should be noted that the current staffing level of the Branch is much lower than in the past, when the Supplements to the *Repertoire* were published in a more timely manner.[3]

26. In the 1993-1998 period there was an even steeper rise in the activity of the Security Council, which increased by at least 70 per cent. Consequently, the preparation of the Supplement covering that period will require concerted efforts.

27. It is not anticipated that the existence of a database in which all United Nations documents from 1993 onwards can be searched electronically will reduce significantly the time required for the preparation of that Supplement. While explicit references to Charter Articles or provisional rules of procedure could be found electronically, most implicit references cannot be identified unless drafters continue to research and study all documents thoroughly.

C. Options under consideration

28. In considering the various options available to bring the *Repertoire* up to date and restore the Branch's capacity to fulfil its mission, an important element to keep in mind is that newly recruited officers require at least three months of on-the-job training by experienced supervisors before they become productive. As mentioned above in the context of the *Repertory*, interns whose period of service is limited to two months, or exceptionally three months, cannot be

expected to make a significant contribution to the work of the Branch, let alone be relied upon to eliminate the backlog.

29. Given the requirement for experience and continuity, one option which Member States may wish to consider is the provision of voluntary contributions to facilitate the timely preparation of the Supplements to the *Repertoire*. Voluntary contributions of some $1.5 million a year would be needed to eliminate the backlog in a six-year period.

30. The Secretariat is considering, in conjunction with the availability of extrabudgetary resources, the feasibility of establishing a specific training programme for junior professionals willing to acquire in-depth knowledge of the Charter and the practice of the Security Council. Such individuals would be required to work in the Branch for a minimum of one year, preferably two years. Like the current internship programme, such a programme would contribute to a better understanding of the United Nations.

IV. Conclusions

31. In the period under review, the Secretariat continued the implementation of General Assembly resolutions 52/161 and 53/106 regarding the preparation of volumes III and IV of Supplement No. 5 and volume VI of Supplement No. 6 and review of the question of the preparation of further volumes of the *Repertory of Practice of United Nations Organs*, and identified several other volumes of Supplement No. 6 to be prepared. Volume VI of Supplement No. 6 was published, in English, in August 1999 and the availability of funds for its translation into French and Spanish is being explored. Volumes III and IV of Supplement No. 5 will be completed and published in 2000. A certain delay in the implementation of the original timetable for those volumes is attributable to the lengthy and necessary administrative procedures for the allocation of existing resources in 1999. Indexing of Supplement No. 5 will also be completed in 2000. An adequate budgetary basis is in the process of being established for future work on volumes of the *Repertory*, especially as regards the remaining volumes of Supplement No. 6. Under the circumstances and subject to the availability of resources, work has started and will continue on volumes I, II and V of Supplement No. 6, which are expected to be completed in the next biennium (2000-2001). At the current stage, it is not possible to establish a stricter timetable for the remaining volumes of Supplement No. 6.

32. With respect to the *Repertoire of Practice of the Security Council*, work has continued on the preparation of the eleventh Supplement, covering the period 1989-1992. In view of the sharp increase in the activity of the Security Council during the last decade, the staffing requirements of the Security Council Practices and Charter Research Branch have been carefully reassessed. The various options available to bring the *Repertoire* up to date are under consideration, including the provision of voluntary contributions and the establishment of a specific training programme for junior professionals willing to acquire in-depth knowledge of the Charter and the practice of the Security Council.

33. In the light of the above, the General Assembly may wish to:

(a) Note that volume VI of Supplement No. 6 to the *Repertory of Practice of United Nations Organs* was published in August 1999 (English version);

(b) Note that volumes III (Articles 55-72) and IV (Articles 73-91) of Supplement No. 5 to the *Repertory* will be completed and published in 2000;

(c) Note that work has started on volumes I, II and V of Supplement No. 6 to the *Repertory*, which will be completed in the next biennium (2000-2001), while work on volumes III and IV of Supplement No. 6 to the *Repertory* will begin during 2000-2001;

(d) Note that those Secretariat units which have already completed their contribution to Supplement No. 6 to the *Repertory* may start work on Supplement No. 7 to the *Repertory*;

(e) Note that *Repertory*-related tasks are included as distinct activities within the relevant section of programme budgets of the Organization, starting with the biennium 2000-2001;

(f) Note that the eighth and ninth Supplements to the *Repertoire of the Practice of the Security Council* have now been published in French and that the tenth Supplement is scheduled to be published in English by the beginning of 2000 and in French in the second half of 2000;

(g) Note that studies for the eleventh Supplement to the *Repertoire* are under preparation;

(h) Consider ways and means of eliminating the backlog in the *Repertoire*, taking into account the requirements for training, experience and continuity;

(i) Note the efforts of the Secretary-General to reduce the backlog of the Supplements to the *Repertory* and to the *Repertoire*.

Notes

[1] The Committee is composed of representatives of all Secretariat units involved in the preparation of Supplements to the *Repertory* (see annex I) and is responsible for directing and overseeing the preparation and publication of those Supplements.

[2] *Official Records of the General Assembly, Fifty-fourth Session, Supplement No. 6* (A/54/6/Rev.1).

[3] A/AC.182/L.87, para. 48.

Annex I

Secretariat units bearing primary responsibility for the preparation of studies on individual provisions of the Charter of the United Nations

Office of Legal Affairs	Articles 1 (1), (3) and (4), 2 (1) to (3) and (5) to (7), 7, 13 (1) (a), 92 to 99, 102 to 105 and 108 to 111
Department of Political Affairs	Articles 1 (2), 2 (4), 3 to 6, 10, 12, 14, 16, 23 to 39,73 to 85, 87, 88 and 107
Department of Political Affairs with Department of Peacekeeping Operations	Articles 40 to 54 and 106
Department for Disarmament Affairs	Article 11
Department of General Assembly Affairs and Conference Services	Articles 9, 15, 18, 20 to 22, 60, 61, 62 (3) and (4), 65 to 70, 72, 86, 89, 90 and 91
Department of Management	Articles 17, 19, 100 (1) and 101
Department of Management with Office of Legal Affairs	Article 100 (2)
Department of Economic and Social Affairs	Articles 8,[a] 13 (1) (b) and (2), 55 (a) and (b), 57 to 59, 62 (1), 63, 64 and 71
Office of the United Nations High Commissioner for Human Rights	Articles 13 (1) (b), 55 (c), 56 and 62 (2)
Office for Outer Space Affairs	Article 13 (1) (a)

[a] The Department of Management (Office of Human Resources Management) is responsible for the preparation of Article 8 for the period up to and including 1996. For the period 1997 onwards, that responsibility falls to the Department of Economic and Social Affairs.

Annex II

Secretariat units responsible for the coordination of the preparation of *Repertory* volumes

Volume	*Department*
1 (Articles 1 to 8)	Office of Legal Affairs
2 (Articles 9 to 22)	Department of General Assembly Affairs and Conference Services
3 (Articles 23 to 54, 106 and 107)	Department of Political Affairs
4 (Articles 55 to 72)	Department of Economic and Social Affairs
5 (Articles 73 to 91)	Department of General Assembly Affairs and Conference Services
6 (Articles 92 to 105 and 108 to 111)	Office of Legal Affairs